

IN THE HIGH COURT OF UTTARANCHAL AT

NAINITAL

Writ Petition No. 432 (S/S) of 2003

Lalit Mohan Goyal

.... Petitioner

Versus

State of Uttaranchal through Secretary,
Lok Nirman Vibhag, Government of
Uttaranchal & two others

... Respondents

.....

Hon'ble P.C.Verma, J.

This petition is directed against the impugned transfer order dated 06.07.2003. The petitioner has challenged the transfer order on the ground of malafide alleged in Paras 14, 16 and 23 of the writ petition, perusal of which reveals that the malafide has been alleged on account of filing of writ petition and contempt petition relating to his promotion. However, perusal of the transfer order does not reveal that it has any nexus with the transfer order but influence of the writ petition and contempt petition cannot be ruled out.

Since the petitioner has stayed at Kashipur for seven years, therefore I am not inclined to allow the petitioner to remain further at Kashipur. Therefore, it is provided that the authorities may modify the transfer order and pass appropriate order according to the recommendations made by Superintending Engineer, if possible, or any other place considering the condition that the petitioner is heart patient and he cannot work at high altitude.

The order impugned shall be modified accordingly within a period of ten days from the date of production of certified copy of this order. The petition is disposed of accordingly.

10.09.2003

P.Singh

(P.C.Verma. J.)